

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEXANDER SHAPIRO,

Plaintiff,

v.

NEW WAVE FOODS, INC., et al.,

Defendants.

Case No. 18-cv-05812-PJH

**ORDER GRANTING 45-DAY
EXTENSION ON DISMISSAL WITH
PREJUDICE AND REQUEST TO
RETAIN JURISDICTION TO ENFORCE
THE PARTIES' SETTLEMENT
AGREEMENT FOR ONE YEAR**

Re: Dkt. No. 42

The court is in receipt of the parties' "Joint Notice of Settlement." Dkt. 42. In it, the parties attach and detail the terms of their settlement agreement, including various dates that plaintiff will, following defendants' initial payment under that agreement, voluntarily dismiss its claims with prejudice against each defendant. Id. at 2. In their notice, the parties further request the court to retain jurisdiction to enforce that agreement. Id.

Accordingly, this case remains dismissed **without** prejudice. Any party has until **February 11, 2020** (45 days from the agreement's effective date of December 28, 2019) to certify to this court, with proof of service thereof on the opposing party, that the agreed settlement consideration has not been delivered over. If no certification is filed by **February 11, 2020**, the conditional dismissal provided in this court's August 19, 2019 order shall be **with** prejudice. The parties may substitute a dismissal with prejudice at any time during this 45-day period.

The court will also retain jurisdiction to enforce the parties' agreement until **December 28, 2020**.

IT IS SO ORDERED.

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Dated: January 3, 2020

/s/ Phyllis J. Hamilton
PHYLLIS J. HAMILTON
United States District Judge